

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 4/6/11

PRO SE OFFICE

PETER W. LINDNER,
PLAINTIFF

10 Civ. 2267 (SJS) ()

**REQUEST TO PROCEED
IN FORMA PAUPERIS
ON APPEAL**

AMERICAN EXPRESS COMPANY,
DEFENDANT

2A
EXHIBIT of
3/11/2010
IAP.

EMC ENDORSED

PLEASE SEE IFP GRANTED
3/11/2010 BY CHIEF JUDGE USDT PRESKA
EXHIBIT 2A

The issues I desire to present on appeal are the following: THAT MY OSC ALLEGED

"INTENT TO DECEIVE" VIA ¶ 12 OF COMPLAINT, AND ALSO IN MY "PLAINTIFF CROSS-MOTION AND REPLY TO AMEX RESPONSE ON OSC" ^{AMEX} pages 15/16. THE HON. USDJ STEIN RULED "INTENT TO DECEIVE" COURT BY ^{AMEX} ATTORNEY ~~ATL~~ CPM WAS/SHOULD HAVE BEEN IN INITIAL COMPLAINT. AMEX'S DECEIT WAS

ON 1) ^{AMEX} CLAIMING "ORDINARY BUSINESS" WHEN SEC RULE SPECIFICALLY ALLOWS FOR "DISCRIMINATION" AS SHAREHOLDER PROPOSAL

2) AMEX CLAIMING AMEX NEVER STOPPED LINDNER FROM COMMUNICATING
TO SEC. PRIOR TO 2009, WHEN AMEX DID SO IN APRIL 2007,
If you are presently employed: [redacted] IS NOT KATZ W/TO

- a) give the name and address of your employer
b) state the amount of your earnings per month

BY REQUESTING MRS. KATZ W/TO
ORALLY ORDERED ME NOT TO COMMUNICATE
WITH S.E. C.

a) UNEMPLOYED - START NEW JOB APR. 5, 2010

b) ABOUT \$2,000^{OR LESS} PER MONTH IN UNEMPLOYMENT + FOOD STAMPS.
WITH MTGE + MAINT + TAX OF \$3,000 PER MONTH

If you are NOT PRESENTLY EMPLOYED: - UNEMPLOYED 7½ MONTHS

- a) state the date of start and termination of your last employment
- b) state your earnings per month

YOU MUST ANSWER THIS QUESTION EVEN IF YOU ARE INCARCERATED.

2) START 9/2007 STOP 8/2009 FROM TIME WARNER CABLE, NYC

b) LESS THAN \$7,000 PER MONTH

APR 15 2010-9 00 AM-1

MICROFILMED

3. Have you received, within the past twelve months, any money from any source? If so, name the source and the amount of money you received.

a) Are you receiving any public benefits?

☐ No.

☒ Yes, \$ 1,700 - UNEMPL
250 - FOOD STAMPS

b) Do you receive any income from any other source?

☐ No.

☒ Yes, \$ 1,000 per month
or less from gifts

4. Do you have any money, including any money in a checking or savings account? If so, how much?

☐ No.

☒ Yes,

UNDER
\$ 5,000. (\$2,000 ?)

5. Do you own any apartment, house, or building, stock, bonds, notes, automobiles or other property? If the answer is yes, describe the property and state its approximate value.

☐ No.

☒ Yes,

\$ APARTMENT (CONDO) OWNED WORTH \$900,000
WITH A MTGE OF UNDER \$300,000. I OWN STOCKS
ESTIMATED UNDER \$50,000 AND IRA FUNDS (ESTIM. \$250,000)

6. Do you pay for rent or for a mortgage? If so, how much each month?

☐ No.

☒ Yes,

\$ 3,000 / MONTH

7. List the person(s) that you pay money to support and the amount you pay each month.

NONE

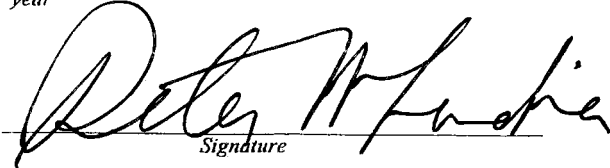
8. State any special financial circumstances which the Court should consider.

I'VE BEEN UNEMPLOYED FOR 7½ MONTHS, AND UNEMPLOYMENT
ONLY COVERS HALF MY MORTGAGE. I HAVE BEEN
CASHING IN MY IRA'S FOR LACK OF INCOME
FROM WORK.

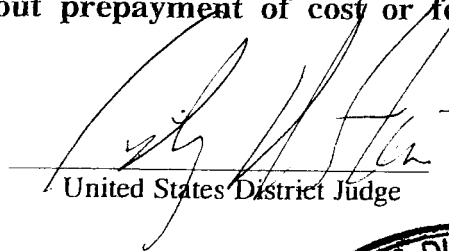
I understand that a false statement or answer to any question in this declaration shall subject me to the penalties for perjury.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 2nd day of APRIL ~~MARCH~~ 2010
date month year


Signature

Let the applicant proceed on appeal without prepayment of cost or fees or the necessity of giving security therefor.


United States District Judge

DATED: April 12, 2010
New York, New York

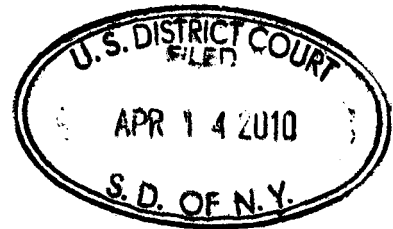


EXHIBIT 2A IFF GRANTED 3.11.2010
 Case 1:10-cv-02228-JSR-JLC Document 1 Filed 03/15/2010 Page 1 of 3
 JUDGE RAKOFF 10 CV 2228

DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS
 without payment of fees is
 UNITED STATES DISTRICT COURT authorized. 28 U.S.C. § 1915.
 SOUTHERN DISTRICT OF NEW YORK

Peter Lindner

(petitioner/plaintiff)

-v-

American Express Company

(respondent(s)/defendant(s))

I.F.P. GRANTED.

Leave to proceed in forma pauperis
 without payment of fees is
 authorized. 28 U.S.C. § 1915.

So Ordered;

MAR 11 2010

(Date)

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

Chief Judge

2010 MAR 15 PM 1:30

U.S. DISTRICT COURT

I, Peter Lindner, am the petitioner/plaintiff in the above entitled case. In support of my motion to proceed without being required to prepay fees or costs or give security therefore, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefore, that I believe I am entitled to redress.

I declare that the responses which I have made below are true.

1. If you are presently employed, state the amount of your salary wage per month, and give the name and address of your last employer. YOU MUST ANSWER THIS QUESTION EVEN IF YOU ARE INCARCERATED.

I am unemployed; I was previously employed by Time Warner Cable, 120 East 23rd St, NYC, NY

2. If you are NOT PRESENTLY EMPLOYED, state the date of last employment and amount of the salary per month which you received AND how long the employment lasted. YOU MUST ANSWER THIS QUESTION EVEN IF YOU ARE INCARCERATED. IF YOU HAVE NEVER BEEN EMPLOYED, SAY SO.

I was employed for 23 months 9/2007-8/2009 at less than \$7,000/month by Time Warner Cable

3. Have you every received, within the past twelve months, any money from any of the following sources?

- a. Business, profession, or form of self-employment?
- b. Rent payments, interest, or dividends?
- c. Pensions, annuities, or life insurance payments?
- d. Gifts or inheritances?
- e. Any form of public assistance?
- f. Any other sources?

YES ☒ NO ☐
 YES ☒ NO ☐
 YES ☐ NO ☒
 YES ☒ NO ☐
 YES ☒ NO ☐
 YES ☐ NO ☒

NO ☐
 NO ☐
 NO ☒
 NO ☐
 NO ☐
 NO ☒

RECEIVED
 JAN 29 2010
 PRO SE